



FSUM 10486.2  
PATENT

Express Mail No. EV 432654566 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Robert A. Holton et al.

Art Unit 1625

Serial No. 10/765,692

Filed January 27, 2004

Confirmation No. 1424

For 14-HYDRIDO-9 $\beta$ -HYDROXYTETRACYCLIC TAXANES

Examiner Amelia A. Owens

September 22, 2004

**LETTER TO THE PATENT AND TRADEMARK OFFICE**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

SIR:

This letter is in response to the Office action dated June 22, 2004.

Reconsideration is requested of the rejection of claims 1-13 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent 6,066,747 and claims 12-13 of U.S. Patent 6,495,704 B1. In the interests of expediting prosecution and without conceding the propriety of the rejection, enclosed herewith is a Terminal Disclaimer in accordance with 37 CFR 1.130(b) and 37 CFR 1.321(c) to obviate the rejection. Accordingly, applicant respectfully requests the obviousness-type double patenting rejection be withdrawn and request allowance of claims 1-13 which are now pending in this application.

Enclosed is a check in the amount of \$110.00 in payment of the fee for the submission of a Statutory Disclaimer. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

Respectfully submitted,

Bradley S. Schammel, Reg. No. 54,667  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

BSS/DSM/vlm

09-23-04

FEE TRANSMITTAL



IFW #

Application Number 10/765,692  
Filing Date January 27, 2004  
Confirmation No. 1424  
Inventors Robert A. Holton, Carmen Somoza, Yukie Suzuki and Mitsuru Shindo  
Group Art Unit 1625  
Examiner Name Amelia A. Owens  
Attorney Docket Number FSUM 10486.2

**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
- ☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
- ☐ Applicant claims small entity status.
2. ☒ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

**FEE CALCULATION**

1. ☐ BASIC FILING FEE Subtotal (1) \$ \_\_\_\_\_  
(Type: \_\_\_\_\_)
2. ☐ EXTRA CLAIM FEES Subtotal (2) \$ \_\_\_\_\_  
Total Claims \_\_\_\_\_  
Independent Claims \_\_\_\_\_  
Multiple Dependent Claims \_\_\_\_\_
3. ☒ ADDITIONAL FEES Subtotal (3) \$ 110.00  
☐ Surcharge - late filing fee or oath  
☐ Surcharge - late provisional filing fee or cover sheet  
☐ Extension for reply within \_\_\_\_\_ month  
☐ Notice of Appeal  
☐ Filing a Brief in Support of an appeal  
☐ Request for ex parte Reexamination  
☐ Petitions to the Commissioner  
☐ Submission of Information Disclosure Statement  
☐ Recording each patent assignment per property  
☐ Request for Continued Examination  
☒ Other: Terminal Disclaimer

**TOTAL AMOUNT OF PAYMENT** \$ 110.00

Bradley S. Schammel  
Bradley S. Schammel, Reg. No. 54,667

9/22/04  
Date

BSS/vlm

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